

IN THE HIGH COURT OF MADHYA PRADESH
PRINCIPAL SEAT AT JABALPUR (M.P.)

Writ Petition No. _____/2018

<u>PETITIONERS:</u>	1.	Shri Salil Khare, [REDACTED] [REDACTED]
	2.	Simran Khare d/o Shri Salil Khare, [REDACTED] [REDACTED]
	Vs.	
<u>RESPONDENTS:</u>	1.	The National University of Advanced Legal Studies through its Registrar NUALS Campus, H.M.T. Colony P.O. Kalamassery, Ernakulam, PIN – 683 503
	2.	The Vice Chancellor, The National University of Advanced Legal Studies NUALS Campus, H.M.T. Colony P.O. Kalamassery, Ernakulam, PIN – 683 503

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

1. Particulars of the cause/order against which the petition is made:

- (1) **Date of the Order** : Nil.
- (2) **Issued in** : Nil.
- (3) **passed by:** : Nil.
- (4) **Subject matter in brief** :

That by this instant writ petition the petitioners are not challenging any order in particular but are aggrieved by the glaring and grave lapses/technical glitches/shortcomings/irregularities which occurred during the CLAT 2018 (Common Law Admission Test 2018) due to which the petitioner No.2 lost her precious 8 to 10 minutes out of total 120 minutes allotted for attempting 200 questions. Due to some technical problems occurring in the computer system / server through which above mentioned online examination was conducted, the petitioner lost 8-10 minutes of her precious time during the course of examination in which she could easily have attempted many more questions correctly if the said time period would not have got lost by the above said technical problems in the computer

system. It is further respectfully submitted that in such a highly competitive examination where the cut off marks in top National Law Universities differ in decimals, loss of such precious time in which the petitioner could have attempted at least further 17 or more questions is a criminal lapse on the part of the organizing agency carelessly conducting examinations of such high repute. The internet is also flooded with numerous similar as well as other specific instances of glaring and grave lapses/technical glitches/shortcomings/irregularities/illegality and discrimination which occurred during the CLAT 2018 (Common Law Admission Test 2018). In the instant case, the admission test has unfairly prejudiced the meritorious law aspirants. The Common Law Admission Test 2018 and the entire admission process suffers from arbitrariness, lack of fairness, lack of transparency, lack of authenticity, discrimination between similarly placed students and the sanctity of the process stands compromised. Hence this instant writ petition inter-alia on the facts & Grounds mentioned below.

2. **A declaration that no proceeding on the same subject matter has been previously instituted in any Court, authority or tribunal. If instituted, the status or result thereof, along with copy of the order :**

It is respectfully submitted that no proceeding on the same subject matter has been previously instituted in any Court, authority or tribunal.

3. Details of remedies exhausted:

It is respectfully submitted that petitioners have exhausted all the legal remedies available and now there is no remedy left except filing of this Writ Petition before this Hon'ble Court.

4. Delay, if any, in filing the petition and explanation thereof:

That, the petitioner most respectfully submits that, there is no delay in filing the present petition.

5.Facts of the case:

5.1 That, vide Notification No. NUALS/CLAT 2018/951/03/2017 dated 20.12.2017 issued by the Respondent No.1, online applications were invited for admission to the under-graduate and post-graduate degree programmes in law (2018-19) in the nineteen national law universities in India[Annexure-P-1].

The relevant dates mentioned therein are given below:

Commencement of submission of Online Application:	Monday, the 1st January, 2018
Last date of submission of duly filled in Online Application:	Saturday, the 31st March, 2018
Date of CLAT 2018 Online Examination:	Date of CLAT 2018 Online Examination: Sunday, the 13th May, 2018 (3.00 p.m. to 5.00 p.m.)

5.1 That, vide Notification No. NUALS/CLAT 2018/951/03/2017 dated 20.12.2017 issued by the Respondent No.1, online applications were invited for admission to the under-graduate and post-graduate degree programmes in law (2018-19) in the nineteen national law universities in India. Copy of the said Notification is annexed herewith as **Annexure-P/1**.

The relevant dates mentioned therein are given below:

Commencement of submission of Online Application:	Monday, the 1st January, 2018
Last date of submission of duly filled in Online Application:	Saturday, the 31st March, 2018
Date of CLAT 2018 Online Examination:	Date of CLAT 2018 Online Examination: Sunday, the 13th May, 2018 (3.00 p.m. to 5.00 p.m.)

5.1 That, the petitioner No.2 is a student who has appeared in her class XII examination and the results thereof are awaited. She has also appeared in CLAT 2018 (Common Law Admission Test 2018) held on 13.5.2018. Copy of the 'Admit Card' of the Petitioner No.2 is annexed herewith as **Annexure-P/2**.

The Common Law Admission Test (CLAT), is an all India common entrance examination, conducted on rotational basis by 19 National Law Universities (NLUs) for admissions to their UG and PG degree programmes. The necessary details are as under:-

1.	Organising University	The National Law University of Advanced Legal Studies
2.	Name of Candidate	Simran Khare
3.	Date of Birth	██████████
4.	Roll Number	██████████
5.	Fathers Name	Shri Salil Khare
6.	Test Centre City	Bhopal
7.	Test Centre	Trinity Institute of Technology and Research
8.	Seat identification no.	██████████
9.	Date of examination	13 th May 2018
10.	Registration no.	1██████████
11.	Programme Applied for	UG

5.2 That, when the impugned examination started, no questions were visible on the computer screen of the candidates for the first 8 to 10 minutes. But the timer

fixed on the computer screen kept running. When the petitioner No.2 along with other students complained about the said technical problem in the system, the invigilators were helpless.

5.3 That, some candidates themselves suggested that candidates should log out and then log in to rectify the technical problem visible in the computer systems. Then the invigilator also suggested to do the same. But when this was done by some of the students along with the petitioner No.2, the questions appeared on the computer screen but to the utter surprise of the petitioner No.2 as well as other students, the timer on the screen started from the point of time when the computer had been logged off and in this process, the petitioner No.2 lost her precious 8-10 minutes out of total 120 minutes allotted for attempting 200 questions.

5.4 That, it is respectfully brought to the notice of the Hon'ble Court that other students also adopted the same method and went on to lose even more time. If in 120 minutes, a candidate is expected to attempt 200 questions then in 10 minutes, the petitioner would have attempted at least 17 more questions. It is further submitted that when the allotted time was about to expire, most of the candidates including petitioner had left with no other option but to simply tick any option randomly in the remaining questions hoping that they may get at least some marks if they are lucky.

5.5 That, in a highly competitive examination where cut off marks for top National Law Universities differ in decimals, loosing precious times to the extent of 10 minutes in which the petitioner No.2 could have attempted more than 17 questions, is a criminal lapse on the part of the organizing agency conducting CLAT 2018.

5.6 That, when the candidates clicked on the next button to go to the next question, it would take 3 questions forward and then the candidates had to come back to the previous question one by one which again made them loose some more extremely precious time of theirs. It is also humbly pointed out that if the candidates clicked on the subsequent questions instead of clicking on next button then their answers were not getting saved.

The said grave lapses/ technical glitches/ shortcomings/ irregularities on the part of organizing agency of such a highly reputed competitive examination made the petitioner No.2 lose her precious time at the initial stage of examination along with other students. Due to which the petitioner No.2 alongwith other students became highly tensed/ nervous/ depressed and demoralized which adversely affected the state of mind and reduced her efficiency during the rest of examination period. Had this lapse not occurred then the petitioner No.2 as well as other affected students

would have definitely attempted many more number of questions correctly in the remaining time period than what they actually attempted. Due to this misconduct of organizing agency conducting such highly competitive examination, the career and future of petitioner No.2 and several other students is at stake and due to which the petitioner No.2 has undergone serious mental and physical trauma. Regarding the said glaring and grave lapses/ technical glitches, the petitioners have filed a representation before the organizing agency that is **National University of Advanced, Legal Studies Kochi Kerala**. Copy of representation dated 14.05.2018 is filed here with as **Annexure-P/3**. The respondents even after filing representation by the petitioners are not ready to take any action what so ever to protect the interest of the petitioner No.2 as well as various other similarly placed students even when very little time is left for declaration of results as the likely date of announcement of results of the impugned exam is expected to be 30.5.2018. This can be inferred from their response to the various news of gross mismanagement/ irregularities in the conduct of CLAT-2018 reported in various news articles whereby the Respondent No.2, even without conducting any thorough investigation into the matter has claimed that the exam went on smoothly

at 98.5% of the centres. Hence this instant writ petition.

6. Grounds urged:

6.1 That, the misconduct and gross negligence on the part of respondents/ organizing agency have cost irreparable loss to the career of the petitioner No.2 as well as other similarly placed students/candidates. It is further submitted that the petitioner No.2 because of the mismanagement and carelessness on the part of organizing agency became highly depressed and demoralized and all the preparation/ hard work done by her over the past few months have gone in vain and wasted for no fault of hers. Irreparable damage has been caused and legal right of the petitioner no.2 has been infringed particularly, due to the discrimination illegally committed by the respondents. Hence the respondents may be directed to re-conduct the examination or should give additional marks to compensate for the loss of precious time due to the misconduct and grave technical glitches on the part of the respondents.

6.2 That, on browsing various websites on the internet, the petitioners came to know that such gross irregularities/lapses and similar nature of technical glitches resulting in loss of precious time have occurred at several other centers in various other cities of the country also. The nature of the irregularities that have

taken place in the conduct of CLAT- 2018 at various centres across all over India, which have been posted on the Internet by various candidates/ their relatives/ others, can be categorised as under:

- (i) Questions were not appearing on the system at all for 10 minutes or more (even 30 minutes in some cases) but the timer on the computer screen showing the time remaining for completion of exam kept running resulting in loss of precious time. The time lost because of this was cut for some students and not cut for others
- (ii) Instead of questions, strange characters were appearing on the computer system resulting in loss of precious time
- (iii) Computers were hanging.
- (iv) Questions were appearing on the system for a while and then disappearing. The time lost because of this was cut for some students and not cut for others
- (v) Clicking on the 'next' question would take you 3 questions forward resulting in loss of precious time
- (vi) The system got stuck between answering one question and the next resulting in loss of precious time
- (vii) Students were allowed extra time on selective basis for attempting the exam.
- (viii) There was complete lack of supervision at the exam hall at some centres as even outsiders including cameramen could enter the exam hall during the exam and shoot the instance of irregularities.
- (ix) Instances of cheating have been reported.
- (x) In many cases, the students were unsure whether their exam has been submitted or not.

- (xi) There were frequent power-cuts at some centres.
- (xii) Mouse were not working properly at some centres.
- (xiii) Students were found verbally fighting with the invigilators at some centres creating huge commotion which disturbed other candidates giving the exams
- (xiv) Queries by students were mostly ignored .
- (xv) Pen and paper not provided for quite a while at some centres.
- (xvi) Seats were not allotted before-hand (sit wherever it's vacant) at some centres whereas random allotment of seats is desirable to rule out the possibility of cheating
- (xvii) Test not starting on time and continuing till late in night hours at some centres whereas the scheduled close time was 5.00 PM
- (xviii) Practice test was not conducted at some centres whereas the new and entirely different online exam interface had been introduced this year severely prejudicing the prospects of such students who were denied Practice test
- (xix) Invigilators were not resolving students' pressing problems at some centres despite students staying till late hours.
- (xx) Long wait and confusion for biometric verification was seen at some centres.

The links for some of such websites detailing the irregularities/lapses/technical glitches during CLAT-2018 are given below for reference:

<http://www.lawoctopus.com/clat-2018-conduct-mismanaged/>

<https://barandbench.com/tecnical-glitches-mar-conduct-clat-2018-across-country/>

<https://www.lawctopus.com/clat-2018-243-centers-mismanagement/>

<http://www.livelaw.in/pcs-malfunctioning-exam-starting-hours-late-students-losing-out-10-15-minutes-clat-2018-sees-it-all/>

https://m.facebook.com/profile.php?id=13229306685697&ref=content_filter

<https://www.legallyindia.com/pre-law-student/clat2018-less-than-7-of-260-centres-haven-t-yet-reported-fails-nuals-claims-turned-on-head-20180515-9345>

The print out of relevant posts of these weblinks are annexed herewith as **Annexures P/4 to P/9** respectively.

6.3 That it is also considered necessary to specifically mention some of the issues posted on the Internet by various candidates/ their relatives/ others so as to highlight the gross mismanagement/ irregularities in the conduct of CLAT-2018 and also to show the massive scale at which such gross mismanagement/ irregularities in the conduct of CLAT-2018 have taken place not just at a few centres but at more than 200 centres across all over India affecting not a few but thousands of aspiring law candidates for no fault of theirs. This shows the utter apathy and sheer negligence of the respondents due to which thousands of innocent students had to suffer harassment, undue tension and

trauma. Most of these candidates have to subsequently appear in other competitive entrance exams also but due to the shock that they got after appearing in CLAT 2018, many of them might not even be in a proper frame of mind to prepare properly for these exams. To state that this amounts to a criminal lapse on the part of the respondents would be an understatement

Some of the irregularities at various centres across all over India which have been posted on the Internet by various candidates/ their relatives/ others can be summarized as under:

(i) Questions were not appearing on the screen for the initial 10 minutes or even much more in some centres whereas the allotted time kept running out. When the computers were logged out and logged in again, the timer started from the point of time where it had stopped at the time of logging out. At some centres, students were not compensated for the loss of precious time whereas at some centres, students were compensated for the lost time by giving extra time after the end of the exam. At some centres, some students were compensated for the lost time on selective basis by giving extra time after the end of the exam whereas the others were denied such extra time. Thus, there was no uniformity of approach in compensating for the lost time by giving extra time after the end of the exam and there was complete arbitrariness in the conduct of the exam.

The fairness of the exam stands thoroughly compromised.

(ii) A video has been posted on Internet which shows that at one of the centres namely OM Institute of Technology & Management, Hisar the exam [CLAT 2018] was continuing till about 8 pm in the night for a handful of students whereas the scheduled time for the end of the exam was 5.00PM. There was complete lack of supervision as the cameraman could go unstopped inside the exam hall and shoot the episode. One student was found alone in the Hall giving the exam till about 8 PM. The link for this video is given below

<https://www.youtube.com/watch?v=Kn9CcdUxDvI>

A copy of this video downloaded from Youtube is annexed herewith in a Pen drive-**PD/1**.

(iii) In the same video shot at the centre OM Institute of Technology & Management, Hisar, after giving her exam [CLAT 2018], another girl had just come out of the exam hall some time before 8 PM who stated that she attempted the paper for full 2 hours but could not submit her paper. So, she was allowed another 2 extra hours for reattempting the exam. In a highly competitive exam where candidates are supposed to attempt 200 questions in 120 minutes, if a student is able to read and attempt the paper once for 2 hours, it becomes very easy for her or him to reattempt the paper with much

more accuracy and with much higher speed. Such favoritism on selective basis has compromised the sanctity and fairness of the exam and has put the other candidates including the petitioner No.2 at a great disadvantage.

(iv) In another video, a girl is seen crying outside one of centres, namely A JNM COLLEGE OF IT,VARANASI who tells about the trauma that she had undergone during the CLAT 2018. She also narrated loss of time due to questions not appearing at the start of the exam. Other candidates/parents etc are also seen outside the centre complaining not only about the loss of time but also instances of cheating. The computers of some candidates were working whereas those of others were not working. It is reported that these students gathered around their friends attempting the exam and helped them in solving the paper whereas the invigilators did not do anything to stop them. The parents/candidates even called the Police.

The link for this video is given below

https://www.youtube.com/watch?v=PeuYZ1k_Las

A copy of this video downloaded from Youtube is annexed herewith in a Pen drive-**PD/1**.

(v) As per the information available on a website namely www.legallyindia.com, according to responses to a Google form

published online by Law School 101, which is a free online education portal run by Nalsar Hyderabad alumnus Vennela Krishna, till **16 May 2018, 11:19, 1855** candidates have claimed that they have been adversely affected by technical glitches at 243 [CLAT 2018](#) centres across India. The relevant portion is reproduced below:

“The [Common Law Admission Test \(CLAT\)](#) 2018 was almost a complete debacle it is now emerging with students at 243 out of 260 total exam centres reporting snags and glitches so far, as research by Law School 101 revealed, as also reported by [Lawctopus](#). This is contrary to convenor [Nuals Kochi's claims](#) that we reported yesterday that 98.5% of the test centres were glitch-free. According to responses to a Google form published online by Law School 101, which is a free online education portal run by Nalsar Hyderabad alumnus Vennela Krishna, 1,447 candidates at this time claim they have been adversely affected by technical glitches at 243 [CLAT 2018](#) centres across India.

Update 16 May 2018, 11:19: The number of complaints in the Google Form now stands at 1,855, or around 3% of CLAT takers.”

The link of this website is given below:

<https://www.legallyindia.com/pre-law-student/clat2018-less-than-7-of-260-centres-haven-t->

yet-reported-fails-nuals-claims-turned-on-head-
20180515-9345

Relevant printout from the said website is annexed herewith as **Annexure-P/9**.

(vi) Another website www.lawoctopus.com has compiled the complete list of more than 200 centres across all over India from where candidates have reported similar technical glitches /irregularities in the conduct of the exam faced by them at. The complete list of these centres , as compiled by the said website is attached **Annexure-P/3**.

(vii) Another website www.livelaw.in has also reported similar incidents, some of which are reproduced below:

“A complaint has already been registered in Jaipur against Mr. Deepaankar Sharma and Mr. Gyan Bissa, one of them being an Assistant Professor at NLU, Jodhpur. The complaint alleges that the duo selectively provided an extension of about 40 minutes.....

..... According to sources, students at a centre in Hisar were taking the exam till 8 pm. Several students had to attempt the exam twice or thrice due to technical glitches. The centre saw the presence of the Police, Bar Council as well as media, with parents and students furious with the administration for its conduct of the exam...

Davin Infotech, Thane (W) centre -Another student who took the exam had to face even worse glitches, having to change the PC he was working on not just before the exam but also during it. In fact, he was allotted the computer being used for biometric registration, and was constantly asked to leave the PC for other students to get registered...”

The relevant printout from the said website is annexed herewith as **Annexure-P/7**.

6.4 That, The Author/Reporter Shri A K Aditya of Apprentice Lawyer , Law School News has discussed in his article/news dated 13th May 2018, the technical glitches and misconduct of the organizing agency while conducting the CLAT 2018. Copy of the same is annexed here as **Annexure -P/5**.

It is pertinent to reproduce some of the issues reported by him to highlight the gross mismanagement in the conduct of CLAT-2018 which are as under:

“ As revealed by various sources, candidates lost up to ten minutes as result of the glitches encountered in the online test. Career Launcher has even gone to the extent of calling it “probably the worst administered CLAT till date”.

The problems arose at the start of the scheduled time of the exam, with students at some centres having to wait for an hour to begin.

At the Greater Noida centre, the exam could not begin on time, as the administrators did not know the password required to start it. To add to the woes, some systems were not functional, which meant that time for the students using them had to be reset. However, owing to another blunder, the clock started at the wrong time, costing students up to ten minutes.

A similar issue was faced at the Thane centre, where students were met with blank screens when they logged in. Again, the timer was not reset at the correct point, leading to a loss of time. One student said,

“The management didn’t know anything. They didn’t even sign on our hall tickets in our class. We had to force them to sign on the hall tickets.”

Another technical glitch prevented students from going on to the next question. When the ‘Next’ button was hit, a question would be skipped, reported some students.

Lawctopus has reported that these issues were faced in centres across the country. Other reported deficiencies include frequent power cuts, clashes between students and invigilators, and the failure to conduct the practice test before the exam.”

- 6.5** That, another author named Mr. Tanuj Kalia has written an exhaustive article/report on the misconduct of the organizing agency heading “CLAT 2018 Mismanagement: History repeats itself yet again.” This webpage contains more than 100 posts/comments citing specific instances of the gross mismanagement/ irregularities/ harassment/ technical issues/ problems faced by the candidates all over India. For the sake of brevity the specific instances are not being reproduced here. Copy of the said report prepared by Mr. Tanuj Kalia is annexed here with as **Annexure-P/2**.
- 6.6** That, ideally the object of any process of selection for admission to any University or college is to select the best and the most deserving students, avoiding patronage and favouritism. Selection based on merit tested impartially and objectively, is the essential foundation of any admission procedure. Giving unequal time for attempting equal number of questions to candidates has definitely vitiated the entire process of admission to the various National Law Universities.
- 6.7** That the student community should not be made to suffer on account of errors committed by the Organising University[Respondent No.1].

6.8 That in the instant case, irreparable damage has been caused and legal right of the petitioner no.2 has been infringed particularly, due to the discrimination illegally committed by the respondents. The admission test has unfairly prejudiced the meritorious law aspirants. Public confidence in the entrance process has to be maintained. The following imperatives cannot be compromised with at any cost:

- guarantee of fairness,
- transparency,
- authenticity and
- sanctity of the process.

In the present case, all of these imperatives stand thoroughly compromised. Therefore in the prevailing circumstances, a re-test is the only viable option.

7. Relief prayed for:

In view of the facts and grounds stated hereinabove, irreparable damage has been caused and legal right of the petitioner no.2 has been infringed particularly, due to the discrimination illegally committed by the respondents. Hence, the petitioner prays for grant of following relief(s):-

- (i) Hon'ble Court may kindly be pleased to cancel the exam held on 13th May 2018 which has put petitioner No.2 and other

similar candidates at a great disadvantage and has given unfair and undue advantage to other candidates who did not have to face such grave lapses and mismanagement.

(ii) Hon'ble Court may kindly be pleased to issue a direction to the respondents to conduct re-examination so that all the candidates may attempt the examination in identical environment and may get a fair and equal chance of clearing the examination.

(iii) Alternatively, the Hon'ble Court may kindly be pleased to direct the respondents to compensate the petitioner by awarding her marks for at least 17 more questions treating them as correct, compensating for actual loss of about 10 minutes and also separately award additional marks for other technical glitches and mental & physical trauma undergone by the petitioner throughout the examination.

(iv) Hon'ble Court may kindly be pleased to grant any other relief which it may deem fit.

8. Interim order/writ, if prayed for:-

The likely date of announcement of results of the impugned exam is expected to be 31.5.2018. The respondents have already released the 'Answer key' and marks of the candidates very promptly on its website which indicates that before the aggrieved candidates may approach their jurisdictional High Courts for relief, the respondents may declare the result even much before 31.5.2018. In view of the facts and grounds stated hereinabove, irreparable damage has been caused and legal right of the petitioner no.2 has been infringed particularly, due to the discrimination illegally committed by the respondents. Hence, the petitioners pray that in order to sustain the sanctity of the Examination and fairness to the students, the Hon'ble Court may kindly be pleased to grant a Stay on declaration of the results of the impugned exam held on 13th May 2018 till the disposal of this Writ Petition.

9. Documents relied on but not in possession of the petitioner:

Nil.

10. Caveat:

That, no notice of lodging a caveat by the opposite party is received.

Place: Jabalpur,

Date:

(SANJAY LAL)

COUNSEL FOR PETITIONER